

A letter dated July 25, 1951, to the chairman of the Senate Committee on the Judiciary from the Deputy Attorney General with reference to the case reads as follows:

JULY 25, 1951.

HON. PAT McCARRAN,
*Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.*

MY DEAR SENATOR: This is in response to your request for the views of the Department of Justice relative to the bill (S. 617) for the relief of Pascal Nemoto Yutaka.

The bill would provide that, solely for the purpose of sections 4 (a) and 9 of the Immigration Act of 1924, and notwithstanding any provisions excluding from admission to the United States persons of races ineligible to citizenship, a minor half-Japanese child shall be considered the alien natural-born child of Lieutenant and Mrs. James R. Evans, citizens of the United States.

The files of the Immigration and Naturalization Service of this Department disclose that Pascal Memoto Yutaka is a child about 2½ years of age. According to Mr. and Mrs. Clyde G. Evans of Imperial Beach, Calif., parents of the child's adoptive father, Lt. James R. Evans, the child was born of a Japanese mother and a United States serviceman who was stationed in Japan. At the time of his adoption he was residing in an orphanage in Tokyo, Japan. Lieutenant Evans was born at Martin, S. Dak., on April 16, 1923, and Mrs. Evans, the adoptive mother, at Silver City, N. Mex., on March 21, 1920. Lieutenant and Mrs. Evans were married in 1945. Lieutenant Evans has not been previously married, but Mrs. Evans was previously married and divorced. Mr. and Mrs. Clyde G. Evans stated that, prior to his enlistment in the United States Army, Lieutenant Evans had no steady employment or occupation, but that it is his present intention to remain in the Army until retirement. He is presently stationed in Japan. He has no savings, to his parents' knowledge, but owns seven lots in Imperial Beach valued at approximately \$5,000.

Since the child is as much as 50 percent of the Japanese race, he is ineligible for naturalization under section 303 of the Nationality Act of 1940, and therefore inadmissible to the United States for permanent residence under section 13 (c) of the Immigration Act of 1924. In the absence of general or special legislation, he will be unable to enter the United States.

Whether in this case the general provisions of the immigration laws should be waived presents a question of legislative policy concerning which this Department prefers not to make any recommendation. If the measure, however, should receive favorable consideration by the Committee, it is suggested that it be amended by inserting after the comma in line six the name of the alien, "Pascal Nemoto Yutaka."

Yours sincerely,

PEYTON FORD,
Deputy Attorney General.

Senator William F. Knowland, the author of the bill, has submitted the following information with reference to the bill:

UNITED STATES SENATE,
February 7, 1951.

HON. PAT McCARRAN,
*Chairman, Senate Committee on the Judiciary,
Senate Office Building, Washington 25, D. C.*

DEAR SENATOR McCARRAN: In further reference to S. 617 for the relief of Pascal Nemoto Yutaka to be considered the alien natural-born child of Lt. and Mrs. James R. Evans, may I present you with some background information.

Both Lieutenant and Mrs. Evans are American citizens, legal residents of the State of California, and Lieutenant Evans has served in the Air Force since September 1942. They were married July 20, 1946, and have been stationed in Tokyo, Japan, where Lieutenant Evans is assigned to the Two Thousand One Hundred and Forty-third Air Weather Wing as a staff officer in the Directorate of Operations. Because of inability to have children and their desire for a son, they hope to adopt and bring this child, baptized Pascal Nemoto Yutaka in the Baby Home of Our Lady of Lourdes which is operated by the Franciscaines Missionaries of Mary, Yokohama, Japan, home with them. This baby boy was born June 25, 1948. The mother was a Japanese named Nemoto Tayeko; the

father, an American, is unknown. This child, reared by trained nurses, is sound in mind and body and just one of hundreds of "GI babies" in overcrowded orphanages. It seems from character references and financially this young couple are most deserving to adopt and care for this child.

A number of references provided by the Evans have been supplied the Immigration Service and I presume the Service will soon undertake the necessary investigation on which to base their report to your committee on S. 617.

Please be assured I would deeply appreciate your proper consideration of this information which I trust is sufficient.

Sincerely yours,

WILLIAM F. KNOWLAND.

The bill has been amended so as to include the name of the minor child in the body of the bill.

The committee, after consideration of all the facts in the case is of the opinion that the bill (S. 617), as amended, should be enacted.

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